REMARKS

Claims 1-29 are pending in the application. Applicants have amended claims 1, 7, 10, 12, 16, 22, and 26.

Claim Rejections – 35 U.S.C. § 112

The Examiner has rejected claims 1-21 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention.

Applicants have amended claims 7 and 12 to more particularly point out and distinctly claim the subject matter regarded as the invention. Applicants have addressed the Examiner's rejections and submit that the amended claims are in allowable form.

Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 1-29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6745011 to Hendrickson et al. ("Hendrickson") in view of "Measuring and Reducing Energy Consumption of Network Interfaces in Hand-Held Devices" ("Stemm").

Applicants have amended claims 1, 7, 10, 12, 16, 22, and 26 to more particularly point out and distinctly claim the subject matter regarded as the invention. In particular, claim 1 has been amended to recite that the measurements are "denoting a duration of usage of said application programs when an interrupt occurs." Claim 10 similarly recites that the measurements are "denoting a duration of usage of said application programs when an interrupt occurs." Claim 16 similarly recites that the measurements are "denoting a duration of usage of said application programs when an interrupt occurs." Claim 22 similarly recites that the measurements are "denoting a duration of usage of said application programs when an interrupt occurs." Claim 26 similarly recites that the measurements are "denoting a duration of usage of said at least one application program when an interrupt occurs."

The present invention, as recited in independent claims 1, 10, 16, 22 and 26, is directed to a method for automatically monitoring usage statistics of various application programs which may reside in a portable electronic device such as a PDA (personal digital assistant). In one embodiment, as recited in claim 1, the method comprises gathering usage statistics for each of

the application programs where the usage statistics include (1) measurements denoting a duration of usage when the electronic device is powered by batteries, (2) measurements denoting a duration of usage when the electronic device is powered by an external source of power, (3) measurements denoting a duration of usage when an auto-shutoff of the electronic device occurs, and (4) measurements denoting a duration of usage when an interrupt occurs. The usage statistics are saved in the electronic device and are transmitted to a server when the electronic device is, for example, synced to a desktop computer.

One of the problems with previous usage statistical programs has been that the unique abilities of the portable electronic device can sometimes skew usage statistics. For instance, for saving battery power, most portable electronic devices have auto-shutoff capability. However, this can skew application program usage statistics since a user may fail to exit the application program prior to the portable electronic device shutting off. In another instance, the portable electronic device may constantly stay on if it is powered by an external power source (i.e. AC power supply), so the program usage statistics may again be skewed. In yet another instance, the portable electronic device may experience interrupts during an application program execution which suspends the application program (see Specification page 25). The invention overcomes the disadvantages associated with previous usage statistical application programs by compiling usage statistics which are more varied and thorough than the previous solutions. For instance, in one embodiment, the usage statistics may include statistics denoting a duration of usage which is a predetermined fraction (scale factor) of the time from the last user interaction to auto-shutoff of the portable electronic device.

By contrast, the Examiner's base reference, Hendriksen, is directed to a system for measuring wireless device and wireless network usage and performance metrics. Data gathering is primarily directed to collecting device parametric data and event tracking. Hendriksen does not teach or suggest that the application usage statistics be adjusted to take into account when an interrupt occurs.

The shortcomings of the base reference are not overcome by Stemm. There is no teaching or suggestion in Stemm to adjust application usage statistics to take into account when an interrupt occurs.

Therefore, Applicants respectfully submit that a combination of Hendriksen and Stemm does not teach or suggest every claimed feature of the invention. The prior art reference (or references) must teach or suggest all of the claim limitations. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991). Since a prima facie case of obviousness has not been set forth, Applicants respectfully submit that amended independent claims 1, 10, 16, 22 and 26 are allowable over the cited references. Claims 2-4, 6-9, 11-12, 14-15, 17-18, 20-21, 23-24 and 28-29, by their dependency on claims 1, 10, 16, 22 and 26 respectively, are similarly allowable. Early notice to that effect is earnestly solicited.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner enter the Amendment after Final and reconsider all presently outstanding rejections. The Examiner is invited to telephone the undersigned representative if an interview might expedite allowance of this application.

Respectfully submitted,

BERRY & ASSOCIATES P.C.

Dated: October 29, 2007

By:_____
Bosco Kim
Registration No. 41,896

Berry & Associates P.C.
9255 Sunset Boulevard
Suite 810
Los Angeles, CA 90069
(310) 247-2860